

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

RICKY BENSON,)	
)	
Plaintiff,)	
)	No. 2:17-cv-02748-TLP-tmp
v.)	
)	JURY DEMAND
PRAIRIE FARMS DAIRY, INC., STATE)	
OF TENNESSEE, and SHELBY COUNTY)	
GOVERNMENT,)	
)	
Defendants.)	

**ORDER DISMISSING CASE AND CERTIFYING THAT AN APPEAL WOULD NOT
BE TAKEN IN GOOD FAITH**

Plaintiff Ricky Benson, a/k/a Rickey Benson, filed a pro se complaint under 42 U.S.C. § 1983 and a motion to proceed in forma pauperis. (ECF Nos. 1 & 2.) Plaintiff also filed numerous motions, petitions, and crossclaims. (ECF Nos. 3, 5–10, 12, 13, 15–19, 21, 23, 24.) The Court denied Plaintiff leave to proceed in forma pauperis because he failed to allege imminent danger under 28 U.S.C. § 1915(g), denied each of Plaintiff’s motions as premature, and prohibited Plaintiff from filing any further motions. (ECF No. 25.) The Court also ordered Plaintiff to pay the entire \$400 civil filing fee within thirty (30) days or face dismissal of his complaint without prejudice. (*Id.*)

Plaintiff appealed the Court’s order. (ECF No. 27.) On appeal, the Sixth Circuit concluded that any appeal of this Court’s order would be frivolous, denied Plaintiff’s motion to proceed on appeal in forma pauperis, and ordered Plaintiff to pay the full \$505 appellate filing fee within thirty (30) days or face dismissal of his appeal. (ECF No. 29.) Plaintiff then

asked the Sixth Circuit to reconsider its order denying him leave to proceed in forma pauperis on appeal. The appellate court denied Plaintiff's request (ECF No. 30) and, because Plaintiff failed to pay the filing fee, dismissed the appeal for want of prosecution. (ECF No. 32.)

Plaintiff has also failed to pay the civil filing fee in this Court and the time to do so has expired. Therefore, judgment will be entered in accordance with the May 21, 2018, order denying Plaintiff leave to proceed in forma pauperis. Because the case is being dismissed for failure to pay the filing fee and Plaintiff's appeal has been dismissed by the Sixth Circuit, this Court therefore CERTIFIES, under 28 U.S.C. § 1915(a)(3), that any appeal by Plaintiff would not be taken in good faith.

SO ORDERED, this 15th day of July, 2019.

s/Thomas L. Parker
THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE